



The River's Voice

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ALLIED SITE TASK FORCE CONTINUES TO ENGAGE EPA/RP'S *By Gary Wager, KRCC*

Just over a year ago in September 2007, Environmental Protection Agency (EPA) representative Mike Berkoff agreed to meet with the Kalamazoo River Cleanup Coalition to discuss the Remedial Investigation/Feasibility Study (RI/FS) for the Allied Paper site in Kalamazoo. In an effort to be inclusive of a broader spectrum of opinions, a more diverse group was convened by Kalamazoo River Watershed Council (KRWC) coordinator, Jeff Spoelstra.

Representatives from various stakeholders, including the Kalamazoo Environmental Council, Kalamazoo Regional Chamber of Commerce, Western Michigan University, City and County governments, Edison and Oakwood neighborhoods, and residents met to gain consensus on what the cleanup of the Allied site portion of the Kalamazoo River Superfund site might look like.

This marked the first time the EPA had agreed to "unofficial" meetings with grassroots organizations, and provided the framework for subsequent talks that also included representatives of the Responsible Parties (RPs) or Landowners.

The completed RI was released to the public, and copies were made available to ASTF this past March. The City of Kalamazoo engaged the services of NTH consultants, and the KRWC engaged ASTI consultants to interpret and help form a response to the Allied RI. Serious shortcomings in the characterization of existing conditions were noted, and technical questions regarding several important issues were raised. Not the least of which is the potential threat to the City's municipal water supply, drawn from a well field just downstream from the Allied site.

At the most recent meeting between ASTF and the EPA/RPs, held at Arcus on September 23, Mike Berkoff deflected questions specifically related to the NTH report, saying the EPA had not had the time to study it fully. Mr. Berkoff promised that a soon-to-be-released "Technical Memorandum" would provide a bridge from the Remedial Investigation to the upcoming Feasibility Study.

EPA Remedial Project Manager, Jim Saric, said that he would propose further testing to the Landowners, whose representative, Suda Arakere, attended the meeting,

to answer the question about deeper aquifer migration of contaminants.

The next meeting is tentatively set for sometime in November, after the release of the Technical Memorandum. This would be a forum to further discuss the parameters that stakeholders can agree on to begin to answer some of the technical concerns regarding the Allied Site. We need to assess and begin to develop responses to the possible threats to human and environmental health posed by the continued physical presence of PCB contaminated paper mill waste, and possible water-borne spread of this known carcinogen, to our public drinking water.

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RI: REMEDIAL INVESTIGATION OR REALLY INCOMPREHENSIBLE?

Just what is the Allied Site RI telling us? What isn't it telling us about a potential threat to the safety of our drinking water?

At the end of March, the EPA released an "RI," or Remedial Investigation, document on the former Allied Paper Mill Site in Kalamazoo that is part of the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site. The RI—all 9,500 pages of it—spells out the details of where actual PCB contamination is located on that site and in what concentration.

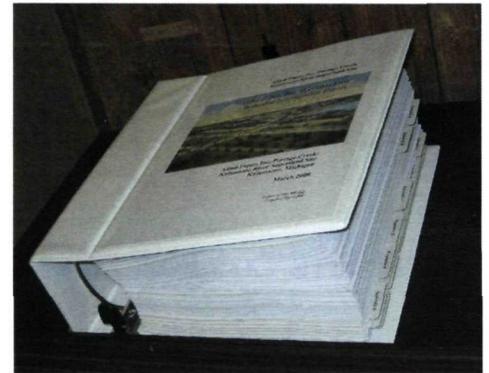
It isn't pretty. Not only are PCBs present in high levels, but sampling for other contaminants in subsurface soils have found dioxins, volatile organic compounds, aluminum, barium, chromium, copper, cyanide, lead, mercury, and zinc. The site itself still contributes PCBs to Portage Creek as the sheet pile that had been installed is leaking and contaminated groundwater is flowing around and beneath it.

And what about the safety of our drinking water? It's hard to say. The RI is an unwieldy document made up of maps, charts, and information that is difficult to decipher by the average citizen. The City of Kalamazoo hired NTH Consultants to help them make

sense of it all. A released report dated September 17, 2008 highlights a number of concerns and points out weaknesses of the RI itself. The report notes that potential risk of contamination to the city's water supply is "virtually ignored in the RI, in spite of legitimate concerns raised by MDEQ's Water Bureau Chief Engineer, who was never consulted during the RI process." The report goes on to state that Kalamazoo's Wellhead Protection Program—designed to protect over 120,000 citizens are not even taken into account.

For reasons not explained, sampling for contaminants was only done on 1/3 of the actual Allied property. It doesn't appear that any sampling has been done in residential areas close to the property. Residents have offered and requested this but none have been done. Why is this?

And do you remember when we were all told that 132,000 cubic yards of PCB laden waste would be safe to dump into the heart of our city even though it didn't meet the federal regulations to handle this type of waste PCBs? The argument was that the PCB residual materials already there would serve as a terrific liner. It seems that the "liner" that citizens had been assured was just fine, even without the additional tons of PCB materials dumped on top of it, is leaking. This concept of using the PCB materials that are there as a vertical barrier or in a final cover is included within the RI and according to the NTH report is



The weighty RI

"indefensible" and "scientifically unacceptable."

While the EPA process is complex, the choice for citizens is simple. We have two paths before us. We can do nothing or we can do something. If we do nothing, our inaction speaks loudly. We are, in essence, allowing the federal government and Georgia-Pacific Corporation and Millenium Holdings LLC, the very companies who have polluted our rivers and lakes, to determine for us and our children how clean is clean, when it comes to our river and land.

After the RI, the FS, or feasibility study will be coming out. This will outline several options for cleanup as it relates to the Allied Site. We believe that it must include, as one possible option, the complete removal of all PCB-contaminated material from the Allied Site.

If we value clean drinking water, human health and our environment we all need to do something. Even if it's just a little something. Pay attention to this situation. Talk to your neighbors, the person waiting in the grocery line with you. Stay alert to this critical issue and be prepared to rise up if necessary.



(Left to Right) Bill Fox, KRCC Member and Mike Wetzel from the City of Kalamazoo, study a map of the Allied Site.

The KRCC believes that the Allied Site and other properties along the Kalamazoo River that are within the Superfund Site must be cleaned up to a level that protects human health and the health of our eco-system health. When it comes to the Allied Site, the KRCC believes that:—A dangerous site is not acceptable. Contaminated aquifers that pose a risk to the drinking water for more than 100,000 people is not acceptable. If this is the case, then capping is not an option as it will not solve the contamination problem.—An RI/FS that does not allow for realistic possibility for re-use/redevelopment of the land is unacceptable. Historically, the EPA has not factored redevelopment issues into their process, but the KRCC believes that a just process will integrate redevelopment throughout the Superfund cleanup process, from the RI, to the Feasibility Study to the Record of Decision.—Risk assessments that have been done in the past and the findings from the independent study that the city of Kalamazoo contracted for all need to be taken into account in planning and cleanup.—Any cleanup solution to the Allied site problem, must be carried out within the context of a “global solution”. Our best chance for success for any local site within the Superfund site will come about through a collaborative, regional strategy, involving local, state, federal governments, paper companies (Potentially Responsible Parties, or PRPs), environmental and outdoor interest groups, and private citizens along the entire 80+ miles of the Site.

REMEMBERING, REFLECTING, & LOOKING AHEAD: CLEANING UP THE PCBs—RESTORING OUR LAND AND RIVER

On May 16, KRCC hosted an event to remember and celebrate the one year anniversary of the EPA’s formal announcement of their decision not to dump PCB laden waste into the heart of Kalamazoo. On April 25, 2007 the EPA responded to the voice of the people!

Kalamazoo City and county officials came together with citizens at the Edison Neighborhood Association to remember. EPA officials were also in attendance. State Representative, Robert Jones, provided the keynote address.

Kalamazoo City Commissioners David Anderson and Barb Miller, as well as Kalamazoo County Commissioner Robert Barnard, shared their reflections on the PCB issue. While the tone was one of celebration—about our success in speaking in one voice and being heard—it was also cautiously optimistic. The message was clear: we should not be content. We must see positive movement with regard to following up with the Allied Site.

In helping to make this event a

“So many of our dreams at first seem impossible, then seem improbable, and then, when we summon the will, they soon become inevitable.”

success, KRCC thanks the City of Kalamazoo, D&W, Edison Neighborhood Association, the Homecrest Circle Neighborhood Association, Kalamazoo Community Foundation, Kalamazoo Watershed Council, Oakwood Neighborhood Association, Water Street Coffee, WEB Neighborhood Association, and a shout out to Ben Yost for sharing his musical talent.

Ode to Region 5

**Mary had a little lamb
whose fleece was once white as snow
and everywhere that Mary went
people wanted to know —**

**What is to become of our little lamb
whose wool was once so pure?
What is to be of our rivers and land?
We hope you see and hear?**

**It followed her throughout region 5,
body broken, barely alive
it followed her, hooves cracked and
covered in dioxin saturated soil—**

**it following her throughout region 5
belly distended, full of tainted grass
its once white wool turned oily clear, pcb
drippings, like silent shards of glass**

**And everywhere that Mary went,
Mary went, Mary went,
everywhere that Mary went
the broken lamb would be**

**It gave the people hope
that Mary saw, Mary heard
She gave the people hope
which was against the rules**

**Mary had a little lamb
whose fleece was once white as snow
And whoever our President selects for region 5
the lamb is sure to go**

WHO HAS THEIR EYE ON REGION 5?

Who will be our next President of the United States? This question is burning on the minds of many Americans right now. Another question we will also need to be asking is: Who shall serve as the Head of Region 5? Just what is Region 5, you ask? Read on . . .

The U.S. Environmental Protection Agency (EPA) came into being during the Nixon Administration in 1970. Serving as an independent regulatory agency, the EPA is responsible for the implementation of federal laws designed to protect the environment. To make it more manageable, the EPA has divided the United States into 10 regions. If you are reading this, you most likely hail from Region 5, which is the largest of all the regions and encompasses Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

Regional EPA administrators typically have wide latitude to enforce (or not enforce) environmental laws. The President of the United States has the privilege of appointing individuals into these critical positions. In 2006, President Bush appointed Mary Gade to serve as the head of Region 5 whose home office is in Chicago. It was Gade who declared in April 2007, "EPA has clearly heard the concerns of Kalamazoo officials and residents." Gade since drew fire from officials in Washington after she sent contractors to test soil in a Saginaw neighborhood where Dow had found high levels of dioxin, a dangerous carcinogen. The Chicago Tribune reported that two top aides to EPA Administrator Stephen Johnson demanded that Gade resign or be fired by June 1, 2008. Mary Gade choose to resign.

According to the Chicago Tribune, Gade believed her forced resignation was due to her efforts to push Dow Chemical Company to clean up dioxin contamination in Saginaw Bay and Lake Huron stemming from its Midland, Michigan plant. The paper also reported that officials from Dow Chemical had met with EPA officials in Washington in January 2008 because

they were unhappy with Gade's approach, and that her handling of this issue became the subject of criticism from her superiors in Washington.

In response to Gade's forced resignation, Ian Pollack, President of Michigan Environmental Council released the following statement: "If Mary Gade were indeed forced out because she was willing to enforce environmental laws against Dow Chemical, then it is a travesty. With the federal government signaling its unwillingness to force Dow to abide by the law, we look to the Michigan Department of Environmental Quality to fill the void and bring this company to accountability for its toxic mess."

In May, the Senate Environment and Public Works Committee chairman formally asked the Environmental Protection Agency for answers surrounding the resignation of Mary Gade. "As you know, Congress and the American people expect EPA to enforce vigorously our public health protections—and to preserve the integrity of the enforcement program by excluding politics from such activities," the senators wrote in a letter dated May 13, 2008 to EPA Administrator Stephen Johnson. "Against the backdrop of allegations of political intervention in EPA decision-making that have been aired at recent hearings before this Committee, as well as similar allegations that we have heard from EPA staff and seen widely reported in the media, it is important for there to be a full explanation of the circumstances surrounding Ms. Gade's allegedly forced resignation."

Throughout the hearing George Gray, EPA's Assistant Administrator for the Office of Research and Development, declined to answer questions, saying the agency does not

discuss personnel matters. On August 12, Linda Buhl left her position as deputy assistant administrator in EPA's Enforcement and Compliance Assurance Office to step into the role of regional director for the Environmental Protection Agency's Region 5. With the role filled, at least temporarily, can we now breathe a collective sigh of relief that someone is looking out for the health of Region 5?

"Instead of increasing environmental awareness and improving the environment, it actually deteriorated under her watch."

Well, don't breathe yet. Back in 2003, Buhl, a former attorney for DaimlerChrysler, was nominated by then Maryland's governor Robert Ehrlich Jr. to head the state's Office of the Environment. However, her appointment never came to be as it was blocked by the Maryland Senate. According to the Bay & Environment blog at the Baltimore Sun, Buhl's was the first appointment ever blocked by the Maryland Legislature. Katherine Boyle of the online Energy & Environment News reported that Maryland Senate President Mike Miller opposed her nomination because of her "horrible record of stewardship in the Great Lakes region" during her time as a senior official in the Michigan Department of Environmental Quality. "Her tenure there was marked by an absence of any degree of monitoring in the Great Lakes area at all in terms of polluters," Miller said. "Instead of increasing environmental awareness and improving the environment, it actually deteriorated under her watch."

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"EYE ON REGION 5" CONTINUED . . .

While Buhl was deemed not good enough for Maryland, she is apparently good enough for Michigan, Illinois, Indiana, Wisconsin, Minnesota and Ohio. Both of our Presidential candidates are stating that they will usher in changes. One of the necessary changes they must make is to appoint to the head of Region 5 an individual who commands the respect of the many hard working EPA Region 5 employees, listens to citizens and

effectively navigates the corporate waters of responsible parties for the contamination like Georgia Pacific, Millenium Holdings, Weyerhaeuser, and Dow Chemical to bring about the actions desperately needed to restore our waters and land.

Just imagine if the next head of EPA Region 5 was a true steward of the health of the community and environment! Now that would be a refreshing change.

To read the entire letter and questions sent to U.S. EPA Administrator Stephen Johnson, go to the U.S. Senate Committee on Environment and Public Works: http://epw.senate.gov/public/index.cfm?FuseAction=Majority.PressReleases&ContentRecord_id=e3c91abd-802a-23ad-41ea-bc73cd8ccc97&Region_id=&Issue_id

GETTING TO KNOW A PRP: GEORGIA-PACIFIC

A closer look at a PRP who has been identified as a corporation responsible for cleaning up the Kalamazoo River.

"Our employees are proud of who we are and what we do. Quite simply, we make the simple necessities that make life cleaner, easier, and more convenient." So reads Georgia-Pacific's website. What could be more necessary than air and water? Georgia-Pacific and its employees could be a shining example of helping us make life cleaner by working with our community and the EPA to clean up the Kalamazoo River and find an appropriate storage place for the PCBs.

To say that Georgia-Pacific is a big corporation is an understatement. With more than 300 locations and 50,000 employees in North America, South America and Europe, Georgia-Pacific is one of the world's leading manufacturers and marketers of tissue, packaging, paper, pulp, building products, and related chemicals. It is an indirect, wholly owned subsidiary of Koch (pronounced 'Coke') Industries, Inc., a private company headquartered in Wichita, Kansas. Georgia-Pacific was purchased for \$21 billion in December 2005 by Koch Industries. According to Forbes, Koch Industries is now the largest private company in the U.S., owning a diverse group of companies engaged in refining and chemicals; fibers and polymers; commodity and financial trading; and forest and consumer products. Koch has a presence in nearly sixty countries and has annual sales of \$90 billion. In 2006,

Koch Industries spent \$3,528,750 for lobbying.

You probably didn't know that Georgia-Pacific makes many of the brands you are familiar with and may use, such as Angel Soft, Quilted Northern, Soft 'n Gentle, Brawny, Dixie, and Sparkle. Jim Hannan is Georgia-Pacific's CEO and president. Dave L. Robertson, currently serves as chairman of Georgia-Pacific's board of directors. Robertson joined Georgia-Pacific's board in 2006 and is also president and chief operating officer of Koch Industries.

If you check out Georgia-Pacific's

website, you will find CEO Hannan photographed in a crisp white shirt, hair neatly combed, with just enough grey wisps to give the appearance of wisdom. He seems approachable, perhaps even nice. If Georgia-Pacific is what it's website asserts—valuing its customers, doing what's right for the environment, and operating in an environmentally and socially responsible manner-- then there is great hope for the future of the Kalamazoo River. Time will tell.

Georgia-Pacific Corporation Headquarters
133 Peachtree Street, N.E. Atlanta,
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- Annual sales of approximately \$27 billion.
- Brands are in more than 80 percent of American homes.
- Acquired all outstanding shares of Fort James in a transaction of approx. \$11 billion.
- Is a holding company for two separate subsidiaries: Timber Company and the Georgia-Pacific Group, which is the second largest forest products company in the world after International Paper. These two companies have numerous subsidiaries.
- Another subsidiary, Unisource Worldwide, is one of the largest distributors of packaging systems, printing and imaging papers, and maintenance supplies in North America, and is the sole national distributor of Xerox branded papers and supplies.
- Involved in environmental remediation activities at approximately 194 sites (as a PRP or is in process of being identified as a PRP).
- Established what it believes to be adequate reserves for environmental remediation costs for these sites and that *"these costs will not have a material adverse effect on the long-term results of operations, liquidity, or consolidated financial position of the Corporation."*
- States that it is committed to protecting the environment as it *"is an integral part of Georgia-Pacific's vision and commitment to be a responsible environmental steward. All G-P operations are committed to 100 percent compliance with (EPA) and state and local government guidelines for the protection of air and water quality and human health"*.
- *"...Working proactively with legislators, regulators, concerned groups, and industry peers to develop and advance effective approaches to human health and safety and environmental protection"*.

